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RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Caroline Guzzetta Allen
Plaintiff,
vs.
San Quentin State Prison,
Defendant(s).

CASE NO. **C 07 4711**
EMPLOYMENT DISCRIMINATION
COMPLAINT

CW

1. Plaintiff resides at:
Address 2820 Baker Street
City, State & Zip Code San Francisco, Ca 94123
Phone (415) 922 0790
2. Defendant is located at:
Address San Quentin State Prison
City, State & Zip Code 1 Main Street, San Quentin, California 94974
3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred on this Court by 42 U.S.C. Section 2000e-5. Equitable and other relief is sought under 42 U.S.C. Section 2000e-5(g).
4. The acts complained of in this suit concern:
 - a. ☒ Failure to employ me.
 - b. ☐ Termination of my employment.

1 c. ☐ Failure to promote me.

2 d. ☐ Other acts as specified below.

3 Plaintiff has had recent teaching experience, although this was not a
4 listed requirement, nor was it probed during plaintiff's questions/inter-
5 view. See letter attached which lists activities during the last
6 15 years.

7 In addition, Mary Ghisopho, Principal of Notre Dame de Victories, has
8 written a letter to San Quentin stating the numerable hours of
9 volunteer help plaintiff contributed during the many years that her
10 four children which students at that school.

9 5. Defendant's conduct is discriminatory with respect to the following:

10 a. ☐ My race or color.

11 b. ☐ My religion.

12 c. ☒ My sex.

13 d. ☐ My national origin.

14 e. ☐ Other as specified below.

15 My age; collusion between Jay Bicker and Debra Sheldon

16 6. The basic facts surrounding my claim of discrimination are:

17 See attached Complaint dated 8/25/06.

18 I was told that the other candidate was more competitive yet there were
19 two openings at the time I was told that and I have more than the necessary
20 credentials and experience. There continues to be openings periodically
21 since my application and I have called repeatedly to ask that my file be
22 kept current. Yet, the positions are always filled with younger candidates.
23 I have been told that I am on the list for interviewees again yet I am
24 never called.

25 7. The alleged discrimination occurred on or about August 25, 2006.

26 (DATE)

27 8. I filed charges with the Federal Equal Employment Opportunity Commission (or the
28 California Department of Fair Employment and Housing) regarding defendant's alleged

1 discriminatory conduct on or about Failure to Hire date: 8/25/06

2 (DATE)

3 9. The Equal Employment Opportunity Commission issued a Notice-of-Right-to-Sue letter
4 (copy attached), which was received by me on or about September 27, 2006.

5 (DATE)

6 10. Plaintiff hereby demands a jury for all claims for which a jury is permitted:

7 Yes x No

8 11. WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate,
9 including injunctive orders, damages, costs, and attorney fees.

10

11 DATED: August , 2007



Caroline Guzzetta Allen
SIGNATURE OF PLAINTIFF

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14 (PLEASE NOTE: NOTARIZATION

CAROLINE GUZZETTA ALLEN

15 IS NOT REQUIRED.)

PLAINTIFF'S NAME

16

(Printed or Typed)

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Caroline G. Allen

vs.

San Quentin State Prison

Date of Failure to Hire:

8/25/06

I, Caroline Guzzetta Allen, declare as follows:

I applied for a teaching position at San Quentin State Prison in the bridge program, having been informed by Don DeNevi, a teacher in that program, that there were five positions available.

I submitted my completed application, supplying the necessary credentials.

I was called to an interview approximately 3 weeks later and did attend that interview with Deborah Sheldon, Mr. BeBe, and Supervisor Frank Kellem.

I brought to the interview several highly complimentary letters of recommendation. And, subsequently wrote some of the questions and answers which I recalled from the interview, attached hereto.

Before attending the interview I called Jay Dicker, a bridge teacher at San Quentin and the former husband of a friend of mine, to chat with him about the prospect of my employment at San Quentin. He sounded very distressed about my application and told me many things, among which I would be very unhappy there, and it was beneath me, and the inmates were the scum of the earth. I was shocked at his statements and said that I was very much interested in the position. He sounded quite threatened and subsequently told his daughter Julia Gorton that he thought I was getting that job to spy on him for his x-wife, Jacqueline Gorton.

As Ms. Sheldon was walking to the interview scheduled to be had with me Mr. DeNevi walked with her and asked her with whom she was conducting an interview. She told him I was among the prospective future teachers. As she left Mr. DeNevi also happened to be nearby and he walked with her and again asked her her feelings about the interview. She was very evasive and said she could not remember anything although when pressed she did say that I had mentioned a very good experience that someone I knew had had as a volunteer at San Quentin. Supervisor Frank Kellem seemed very responsive to me when I talked about my forte being creative writing (I have a masters degree in English Literature) and said

that he thought I could get the prison's permission to bring in pictures from magazines to motivate the writing of the inmates, as I had had tremendous success with this method in the past.

I believe, and Mr. DeNevi believes, and he is willing to testify in a deposition, that Mr. Dicker and Ms. Sheldon colluded to keep me from getting a position at San Quentin Prison. I believe and Mr. DeNevi believes that Mr. Dicker and Ms. Sheldon did not like that I was a female who was a friend of Mr. Dicker's former wife.

I wrote the Personnel Department with copies to Associate Warden James Allen and the Principal asking to see the notes taken on my interview, and, asking why I wasn't hired for one of the two remaining teaching positions, but did not receive a letter responsive to my questions. Instead, I received a letter from Tracy McCrary categorically denying any possible collusion though not stating any basis for that denial and stating that I was not as competitive as the one hired candidate. She ignored my request to review the answers provided in the interview and ignored my reference to the two remaining teaching positions.

I also believe I was discriminated against by virtue of my age and that my driver's license and facts of same were illegally requested saying that this information was necessary for me to be allowed on the prison grounds. My date of birth is 10/8/42, and I am 64 years of age.

I declare that the foregoing is true and correct to the best of my recollection under penalty of perjury and the laws of the State of California on the 7th ___ day of September, 2006.

Dated: September 7, 2006.



Caroline Guzzetta Allen

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

111 N. Market Street, Suite 810, San Jose, CA 95113
(408) 277-1277 TTY (800) 700-2320 Fax (408) 277-9997
www.dfeh.ca.gov



September 27, 2006

CAROLINE GUZZETTA ALLEN
2820 BAKER STREET
SAN FRANCISCO, CA 94123

RE: E200607G0318-00-ac
ALLEN/SAN QUENTIN STATE PRISON

Dear CAROLINE GUZZETTA ALLEN:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective September 8, 2006 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

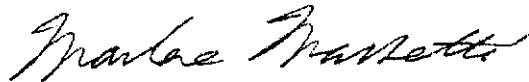
This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

Notice of Case Closure
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marlene Massetti".

Marlene Massetti
District Administrator

cc: Case File

TRACY McCRARY
PERSONNEL
SAN QUENTIN STATE PRISON
1 MAIN STREET
SAN QUENTIN, CA 94974

EEOC Form 161-8 (2/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Caroline Allen
2820 Baker Street
San Francisco, CA 94123

From: San Francisco District Office - 550
350 The Embarcadero
Suite 500
San Francisco, CA 94105



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a)).

Charge No.

EEOC Representative

Telephone No.

550-2007-00775

Michelle L. Nardella,
Enforcement Manager

(415) 615-5628

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

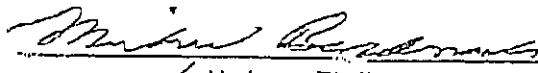


The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


H. Joan Ehrlich,
District Director

APR 18 2007

(Date Mailed)

Enclosure(s)

cc: CA DEPT OF CORRECTIONS
San Quentin State Prison
San Quentin, CA 94964

**CAROLINE GUZZETTA ALLEN
2820 BAKER STREET
SAN FRANCISCO, CA 94123**

September 10, 2007

Tracy McCrary
Personnel
and
Principal Ted Roberts
San Quentin State Prison
San Quentin, California 94964

Dear Ms. McCrary, and Mr. Roberts:

I wanted to add to my request for a position as a teacher at San Quentin that I have had a great deal of continuing experience in the field of teaching. I feel that I should have talked about this during my interview some time ago and wanted to correct the oversight.

Although it is true that I have not had a continuing and regular position as a teacher, I have spent many many years as a volunteer teacher, particularly at my children's elementary school in San Francisco.

I believe that having four very academically successful children is in some small a testament to my guidance/teaching ability. My oldest is an architect, and my three younger children are all practicing attorneys.

While in law school I taught many classes and volunteered as a Judge/teacher for ongoing mock trials.

In fact, it is true that conducting a trial is a form of teaching. An attorney must educate a jury, and teach that jury the facts of a case, and persuade that jury to believe in his or her client.

Please call if you have any further questions or wish to discuss any of the above.

Sincerely,

Caroline Allen